



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE	<i>Application Number</i>	09/438,392
	<i>Filing Date</i>	12 November 1999
	<i>First Named Inventor</i>	Takashi AOYAMA
	<i>Group Art Unit</i>	1635
	<i>Examiner Name</i>	Jane Zara
	<i>Attorney Docket Number</i>	2312-105
<i>Title of the Invention: CHEMICAL INDUCIBLE PROMOTER USED TO OBTAIN TRANSGENIC PLANTS WITH A SILENT MARKER</i>		

RESPONSE TO OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action mailed 10 February 2003, Applicants submit the following remarks and respectfully request reconsideration and withdrawal of the pending rejection of the claims.

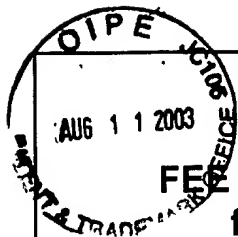
Remarks begin on page 2 of this paper.

RECEIVED
AUG 18 2003
TECH CENTER 1600/2900

08/13/2003 WASFAW1 00000124 09438392

01 FC:2253

465.00 OP



**FEE TRANSMITTAL
for FY 2003
(Small Entity)**

Complete if Known

Application Number	09/438,392
Filing Date	12 November 1999
First Named Inventor	Takashi AOYAMA
Examiner Name	Jane Zara
Group Art Unit	1635

Total Amount of Payment	(\$)	465.00
-------------------------	------	--------

Attorney Docket Number	2312-105
------------------------	----------

RECEIVED
AUG 18 2003
TECH CENTER 1600/2900

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge additional fees and credit any overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck

☒ Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status.

2. ☒ Payment Enclosed:

☒ Check

☐ Credit Card

FEE CALCULATION

1. FILING FEE

Fee Code	Fee \$	Fee Description	Fee Paid
2001	375	Utility filing fee	[]
2002	165	Design Filing Fee	[]
2003	260	Plant Filing Fee	[]
2004	375	Reissue Filing Fee	[]
2005	80	Provisional Filing Fee	[]

SUBTOTAL \$

2. CLAIMS

Total Claims	Independent Claims	Multiple Dependent Claims	Extra Claims	Fee	Fee Paid
[]	[]	[]	- 20** = [] x	\$ 9 = []	[]
[]	[]	[]	- 3** = [] x	42 = []	[]
[]	[]	[]	+ = []	140 = []	[]

**or number previously paid, if greater;

SUBTOTAL \$

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Fee Code	Fee Paid	Fee Description	Fee Paid
2051	65	Surcharge - late filing fee or oath	[]
2052	25	Surcharge - late provisional filing fee or cover sheet	[]
1053	130	Non-English specification	[]
1812	2,520	For filing a request for reexamination	[]
1804	920	Requesting publication of SIR prior to Examiner action	[]
1805	1,840*	Requesting publication of SIR after Examiner action	[]
2251	55	Extension for reply within first month	[]
2252	205	Extension for reply within second month	[]
2253	465	Extension for reply within third month	[465.00]
2254	725	Extension for reply within fourth month	[]
2255	985	Extension for reply within fifth month	[]
2401	160	Notice of Appeal	[]
2402	160	Filing a brief in support of an appeal	[]
2403	150	Request for Oral Hearing	[]
1451	1,510	Petition to institute a public use proceeding	[]
2452	55	Petition to revive -unavoidable	[]
2453	650	Petition to revive - unintentional	[]
2501	650	Utility issue fee (or reissue)	[]
2502	235	Design issue fee	[]
2503	315	Plant issue fee	[]
1460	130	Petitions to the Commissioner	[]
1807	50	Processing fee under 37 CFR 1.17(q)	[]
1806	180	Submission of Information Disclosure Statement	[]
8021	40	Recording each patent assignment per property (times number of properties)	[]
2809	375	Filing a submission after final rejection (37 CFR .129(a))	[]
2810	375	For each additional invention to be examined (37 CFR 1.129(b))	[]
2801	375	Request for Continued Examination (RCE)	[]
1802	900	Request for expedited examination of a design application	[]
1504	300	Publication fee for early, voluntary, or normal publication	[]
1505	300	Publication fee for republication	[]
1455	200	Filing an application for patent term adjustment	[]
1456	400	Request for reinstatement of term reduced	[]
		Other fee (specify)	[]

* Reduced by Basic Filing Fee Paid

SUBTOTAL \$ 465.00

SUBMITTED BY		Complete (if applicable)			
NAME AND REG. NUMBER	Jeffrey L. Ihnen, Reg. No. 28,957				
SIGNATURE		DATE	11 AUGUST 2003	DEPOSIT ACCT USER ID	02-2135